

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CAREN BRITT,

Plaintiff

v.

S. RAY DERUSSE, and THE
PRUDENTIAL INSURANCE COMPANY
OF AMERICA,

Defendants

CIVIL ACTION NO. 05-30197

**UNOPPOSED MOTION OF THE PRUDENTIAL INSURANCE COMPANY
OF AMERICA FOR LEAVE TO PAY INSURANCE PROCEEDS INTO THE COURT'S
INTEREST BEARING ACCOUNT**

Pursuant to Local Rule 7.1, now comes the defendant, The Prudential Insurance Company of America ("Prudential"), and hereby moves this Court to enter an order allowing Prudential to pay insurance proceeds relating to a veteran's life insurance policy into the Court's interest bearing account.

As grounds for this Motion, Prudential states that this Court ordered that the disputed proceeds the veteran's life insurance policy be paid into Court on September 30, 2005. In its prior Motion, Counsel for Prudential did not specify that these funds should be deposited into an interest bearing account. However, the rightful owner of the proceeds, once determined by the court, would be entitled to interest. Counsel for Prudential has conferred with counsel for all parties and neither the Plaintiff nor the co-defendant, oppose this Motion.

WHEREFORE, the plaintiff asks that the Court grant this motion and issue an order allowing it to pay the disputed insurance proceeds into the Court's interest bearing account.

Respectfully submitted,

THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA,

By Its Attorneys,

/s/ Carey L. Bertrand
William T. Bogaert, BBO # 546321
Carey L. Bertrand, BBO# 650496
Wilson, Elser, Moskowitz,
Edelman & Dicker, LLP
155 Federal Street
Boston, MA 02110
(617) 422-5300

Dated: October 3, 2005

CERTIFICATE OF SERVICE

I, Carey L. Bertrand, do hereby certify that I have served a true copy of the foregoing document on counsel of record by first class mail, postage prepaid on this 3rd day of October 2005.

/s/ Carey L. Bertrand
Carey Bertrand